



PLANNING COMMISSION AGENDA

Wednesday, January 11, 2006
6:30 p.m. Regular Meeting

ADDENDUM

2. DEFERRALS

- b. [PDC05-077](#): Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 4,681 square feet for retail commercial uses and a public eating establishment with drive-thru uses on a 0.64 gross acre site., located at/on the west side of South Winchester Boulevard, approximately 550 feet southerly of Stevens Creek Boulevard (369 S WINCHESTER BL) (Dennee Glenford V Jr Trustee, Owner; John Mackay, Developer). Council District 1. SNI: None. CEQA: Exempt.

Staff Recommendation:

DEFER TO FEBRUARY 22, 2006



PLANNING COMMISSION AGENDA

Wednesday, January 11, 2006

6:30 p.m. Regular Meeting
Council Chambers, City Hall

200 East Santa Clara Street
San Jose, California

Bob Dhillon, Chair
Xavier Campos, Vice-Chair

Bob Levy Jay James
Dang T. Pham
Christopher Platten James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Dhillon** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, January 11, 2006***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

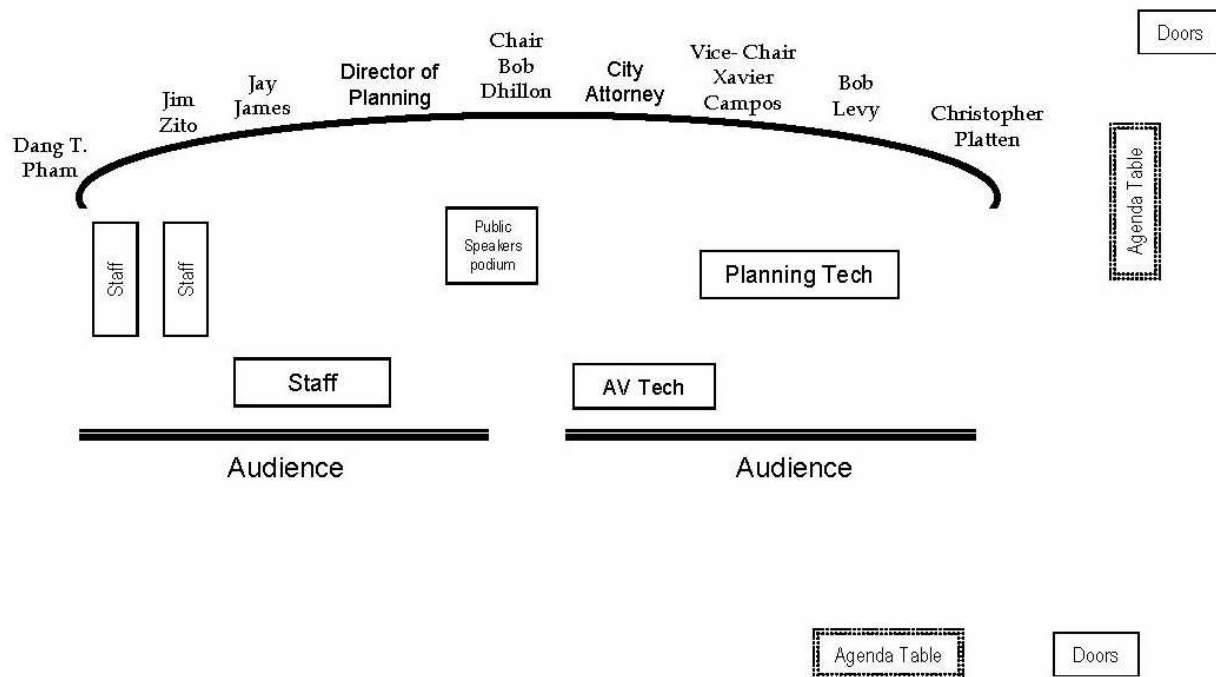
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **PDC05-002**. Planned Development Rezoning request from the R-M Multiple Residence District to the A (PD) Planned Development Zoning District to allow the demolition of an existing single-family residence and the construction of three single-family detached residential units on a 0.33 gross acre site, located on the southwesterly corner of State and Essex Streets (1391 STATE ST) (Martina Victor J, Owner). Council District 4. SNI: None. CEQA: Exempt. Deferred from 12-7-05.

DEFER TO 01-25-06

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **CP05-065**. Conditional Use Permit to allow a residential care facility on a 0.20 gross acre site in the R-M Multiple Residence Zoning District, located at/on north side of Van Sansul Avenue approximately 200 feet east of Winchester Blvd (3065 VAN SANSUL AV) (Olivia Velasquez, Owner). Council District 6. SNI: Winchester. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow a residential care facility as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. The projects being considered are located on the South side of Fleming Avenue, approximately 1,032 feet southeast of Alum Rock Avenue (139 and 145 FLEMING AV) (San Jose The Lord's Baptist Church, Parmar Inderjit S and Kathy L, Owners) Council District 5. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 12-07-05.

1. [PDC05-061](#). Planned Development Rezoning from Unincorporated County to the A(PD) Planned Development District to allow 18 single-family detached residences on a 2.66 gross acres site. - [Supplemental Memo](#)

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from Unincorporated County to the A(PD) Planned Development District to allow 18 single-family detached residences as recommended by Staff.

2. [C05-079](#). STAFF INITIATED Rezoning from County to R-1-5 Residence Zoning District to allow single-family detached residential use on a 0.22 gross acre site.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed STAFF INITIATED Rezoning from County to R-1-5 Residence Zoning District to allow single-family detached residential use as recommended by Staff.

- b. The project being considered is located on the west side of Mahoney Drive, opposite Davenport Drive (471 Mahoney Drive), in the R-1-8 Residence Zoning District (Morgado Four Construction, Inc., Owner) Council District 5. SNI: None. CEQA: Exempt.

1. [PDC05-116](#). Planned Development Rezoning from R-1-8 Residential Zoning District to the A(PD) Residential Zoning District to allow one existing and one new single-family detached residence on a 0.25 gross acre site.

Staff Recommendation:

Recommend to the City Council approval of a proposed Planned Development Rezoning from R-1-8 Residential Zoning District to the A(PD) Residential Zoning District to allow one existing and one new single-family detached residence as recommended by Staff.

2. [PD05-086](#). Planned Development Permit to allow one existing and one new single-family detached residence on a 0.25 gross acre site.

Staff Recommendation:

Recommend to the City Council approval of a proposed Planned Development Permit to allow one existing and one new single-family detached residence as recommended by Staff.

3. [PT05-047](#). Planned Development Tentative Map to allow subdivision of one lot into two for single-family detached residential uses on a 0.25 gross acre site.

Staff Recommendation:

Recommend to the City Council approval of a proposed Planned Development Tentative Map to allow subdivision of one lot into two for single-family detached residential uses as recommended by Staff.

- c. **SF05-026**. APPEAL of the Planning Director's decision to approve a Single Family House Permit to demolish an existing single family house and build a 3355 square foot house with a detached garage in the R-1-8 Single-Family Residence Zoning District, located at/on the east side of Glenn Avenue approximately 200 feet north of Britton Avenue (1174 Glenn Ave) (Bauer Michael and Hoailinh, Owner). Council District 6. SNI: None. CEQA: Exempt. Deferred from 12-07-05.

Staff Recommendation:

Uphold Planning Director's decision to approve a Single Family House Permit to demolish an existing single family house and build a 3355 square foot house with a detached garage in the R-1-8 Single-Family Residence Zoning District as recommended by Staff.

- d. **PDC05-071**. Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 72 single-family attached residences on a 3.0 gross acres site, located on the east side of Monterey Highway, approximately 600 feet southerly of Umbarger Road (2774 Monterey Road) (Manoutchehr & Jaleh Movassate, Owner; Trumark Companies, Developer). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration, File No. PDC00-051.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 72 single-family attached residences as recommended by Staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council

b. Commissioners' reports from Committees:

- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (James).
- Coyote Valley Specific Plan (Platten)
- Evergreen East Hills Vision Strategy Task Force (Levy)

c. [Review of synopsis](#)

8. **ADJOURNMENT**

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	6:30 p.m.	Regular Meeting	Council Chambers
April 12	6:30 p.m.	Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	4:30 p.m.	<i>Study Session</i>	TBA
		Review CIP	
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	6:30 p.m.	Regular Meeting	Council Chambers
June 5	6:30 p.m.	Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	Regular Meeting	Council Chambers
November 15	6:30 p.m.	Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers